

land use plans and policy documents, the goals of these cities for overall transportation mobility would go unmet.

## 2. TSM/EXPANDED BUS SERVICE ALTERNATIVE

Consistency with Land Use Plans. Because the TSM/Expanded Bus Alternative would not include major improvements to arterials or freeway systems as anticipated in local land use plans and policy documents, the goals of these cities for overall transportation mobility would go unmet.

## 3. FULL BUILD ALTERNATIVE

Consistency with Land Use Plans. Use of the former Pacific Electric right-of-way for motorized vehicles instead of a bikeway would be inconsistent with the land use plans of Garden Grove and Santa Ana.

Land Use Compatibility. In several areas along the Full Build Alternative, visual and noise impacts would result. As discussed in Sections 4.9 and 4.13, not all of these impacts could be mitigated.

Residential Displacements. The acquisition of property for the Full Build Alternative right-of-way at the City Gardens Apartment complex would result in loss of the property's designation as a legal non-conforming use (for parking deficiencies, above, and because the existing multi-family residential land use is zoned for agriculture). Any alteration of the property cancels its legal non-conforming status.

Acquisition of Country Woods Apartments in Garden Grove, which appears to be predominantly Hispanic, would constitute a significant impact as relocation of this cohesive community may not be possible. Removal of houses along one side of Sherwood Lane cannot be avoided, and would also significantly affect this community.

Non-residential Displacements. There are two high-visibility service stations that would be acquired by the Full Build Alternative. If suitable high-visibility locations cannot be found on which to relocate these service stations or within the same parcel, a substantial impact to these businesses could result.

Parking. Parking would be removed at City Gardens Apartment complex, a legally non-conforming land use.

### 4.6.8 ENVIRONMENTAL JUSTICE

Environmental justice refers to the fair treatment of people of all races, cultures, and income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. For all projects involving federal funds or approval, Environmental Justice seeks to provide an inclusive, representative and equal opportunity for public participation, and to ensure that adverse impacts are not borne disproportionately by minority and/or low-income populations. The concept of Environmental Justice grew out of the Civil Rights Act of 1964 (as amended), culminating in Executive Order 12898 (1994), "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The Federal Highway Administration (FHWA) issued its Order on Environmental Justice (Directive #6640.23) in 1998 in support of the Executive Order. Environmental Justice can be summarized in the following fundamental principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and/or low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and/or low-income populations.

Environmental Justice analysis begins with identifying ethnic and racial minority and low-income population groups in the affected community, initiating contacts with public officials and environmental justice leaders, and integrating community participation throughout project development. Potential impacts to a resource are then analyzed against affected populations to determine if minority and/or low-income populations do not disproportionately sustain impacts than other demographic groups. If disproportionate impacts appear to exist, further analysis is undertaken to determine the extent of the impacts. This section examines impacts and proposed mitigation for the following areas: Geology and Soils, Hydrology, Floodplains and Water Quality, Biology, Wetlands and Waters of the United States, Cultural Resources, Community Characteristics, Transportation and Circulation, Air Quality, Noise, Parks and Recreation, Utilities, Hazardous Material/Waste, Visual Resources, Energy, and Construction-related Impacts.

The SR-22/WOCC has been developed in accordance with the Civil Rights Act of 1964, as amended and the Executive Order 12898. Minority and low-income communities in the project area were identified through U.S. Census data analysis and observations of the project study area. Low-income populations were identified by comparing census data with the U.S. Department of Health and Human Services (DHHS) poverty guidelines, as defined by DOT Order 5610.2. The 2000 Census indicates that the average number of persons per household is three. The 2001 DHHS poverty guideline states that an income below \$14,630 for a family of three is considered below the poverty line. Since the 2000 Census income data is available in \$5,000 increments, the closest 2000 Census income level, which would capture the population below the DHHS poverty guideline, is \$14,999. Therefore, incomes below \$14,999 were used for the analysis of the number of households below the poverty line.

Throughout the development and planning for the SR-22/WOCC, the California Department of Transportation (the Department) has complied with Title VI of the Civil Rights Act of 1964 through its outreach efforts to involve local agencies, the public and all interested parties in the transportation decision-making process. The Department has striven to ensure that the three fundamental Environmental Justice principles are met. The Department's outreach program during scoping and public review of the DEIR/EIS was designed to reach as many stakeholders as possible, especially residents in the project study area. A series of Open House/Public Scoping Meetings was held in the fall of 1998. Upon identification of the four alternatives analyzed in the DEIR/EIS, public meetings were held in September and October of 2001, and notices were also published in four newspapers: two in English, one in Spanish and one in Vietnamese.

#### **4.6.8.1 Environmental Justice Impacts**

The study area included 83 census tracts located in the communities of Rossmoor, Los Alamitos, Seal Beach, Westminster, Garden Grove, Santa Ana, Stanton, Orange, Tustin and unincorporated portions of Orange County. The census data were presented in Section 3.6 on Table 3.6-2 (2000 Race/Ethnic Distribution in the Study Area) and 3.6-7 (Incomes in the Study Area). The study area's 2000 population was predominantly non-Hispanic white (51.7 percent) and Hispanic Origin (45 percent). The minority population accounts for approximately 48.3 percent of the study area.

The data for the study area indicates a large area of minority population that spans the jurisdictions of Garden Grove, Westminster, Santa Ana, and Orange. The City of Santa Ana is

predominantly of Hispanic origin. Approximately 76.1 percent of the population are of Hispanic origin. Nearly a third of Garden Grove, Tustin and Orange are of Hispanic origin. The City of Westminster has the highest percentage of Asians (38.1%) compared to the other cities along the SR-22 corridor.

As shown in Section 3.6, the 2000 U.S. Census indicated that the median household incomes for cities along the SR-22 corridor range from \$39,172 in Stanton to \$86,457 in Rossmore. The median income for the study area is \$44,396. Based on the 2001 DHHS Federal Poverty Guidelines, Seal Beach and Stanton have the greatest percent (approx. sixteen percent) of households at or below the poverty line while Rossmore has the lowest percentage (approximately four percent). Nearly thirteen percent of the households in the study area are at or below the poverty line.

Upon review of the four alternatives below, each determination concluded that these impacts are distributed throughout the study area and not concentrated in any particular area, therefore the impacts were not disproportional.

#### A. PREFERRED ALTERNATIVE/(ENHANCED) REDUCED BUILD ALTERNATIVE

Environmental impacts associated with the (Enhanced) Reduced Build Alternative include the following impacts:

- visual impacts related to removal of landscaping and construction of new noise barriers;
- new light sources;
- displacements and partial acquisitions;
- construction impacts due to temporary construction easements (TCE);
- and blockage of freeway-oriented business signs.

*Visual and Noise.* Visual, additional light sources, noise impacts and blockage of freeway-oriented signs are distributed throughout the study area and not concentrated in a particular community.

*Displacements and Partial Acquisitions.* This alternative may result in an impact on minority or low-income individuals due to displacements (See Table 4.6-24 and 4.6-25). The (Enhanced) Reduced Build Alternative was modified to reduce the overall amount of displacements and acquisitions from the Reduced Build Alternative, and the severity of the remaining displacements and acquisitions was reduced. The area where the displacements and partial acquisition impacts would occur was reduced from seventeen tracts to eight. This reflects elimination of the Pacific Electric Arterial as well as any acquisitions in the Country Woods Apartment complex, Sherwood Lane Homes and Park City Ranchos.

Displacement impacts would occur in two census tracts with minority populations ranging from 39.2 percent to 69.1 percent (see Table 4.6-12). Census Tracts 888.01 and 891.06, both in Garden Grove, show a population of nearly 50 percent Asians. The remaining census tracts are predominantly Hispanic in Origin. Slightly more than half (five out of eight) of the census tracts impacted by displacements, partial acquisitions and TCEs from the (Enhanced) Reduced Build Alternative contain a minority population percentage greater than the study area. However, the overall population in the impacted census tracts is roughly half majority and half minority. The impacts are distributed across both populations. Therefore, the impacts of displacements, partial acquisitions, and TCE's are not disproportionately borne by minority populations.

The percent of low-income households for the impacted census tracts range from about six to fourteen percent. Only one out of the eight impacted census tracts (888.01 in Garden Grove) has a proportion of persons below the poverty line greater than the study area. Therefore, the impacts of displacements, partial acquisitions, and TCE's are not disproportionately borne by low-income populations.

*Temporary Construction Easements.* Temporary construction easements (TCE) would occur in six census tracts shown in Table 4.6-24, which shows race and ethnic distribution for these tracts. Impacts due to TCEs are not disproportionately borne by low-income or minority populations as discussed above. Where possible, vacant properties have been identified as TCEs. Furthermore, the TCEs are located close to the area where construction will occur along an existing highway.

*Parking.* As shown in Table 4.6-17, Implementation of the (Enhanced) Reduced Build Alternative would result in the loss of 472 on-site parking spaces at four non-residential locations in the City of Orange. Parking at these locations is not disproportionately used by minority or low-income residence. Minority or low-income residential communities do not bear a disproportionate share of parking impacts.

The impacts to residents are at least partially offset by benefits to the affected population and to the region as a whole, as indicated below:

- The project would provide clear and needed benefits for the region in terms of congestion relief, safety, and improved air quality (see Sections 2, 4.7 and 4.8 of this FEIS/EIR);
- The (Enhanced) Reduced Build Alternative is the least environmentally damaging alternative which meets the purpose and need;
- All efforts have been made to include the affected populations in planning and scoping; and
- The alternative of building a highway along a new alignment would involve increased costs of an extraordinary magnitude, including displacements of a higher number of residents, whether minority and/or low-income or not.

**TABLE 4.6-24  
2000 RACE/ETHNIC DISTRIBUTION FOR  
DISPLACEMENTS, PARTIAL ACQUISITIONS &  
TEMPORARY CONSTRUCTION EASEMENTS  
(ENHANCED) REDUCED BUILD ALTERNATIVE**

Census Tract	Jurisdiction	DP, PA, or TCE	% NH White	% NH Black	% NH American Indian	% NH Asian	% NaH & OPI	% NH Other	% Hispanic Origin Of Any Race	% Total Minority
753.01	Santa Ana	PA	51.8	3.0	1.1	7.8	0.6	31.1	57.6	48.2
759.02	Santa Ana	TCE	45.6	2.7	0.8	4.1	0.5	43.1	74.7	54.4
760.00	Santa Ana	ALL	72.9	1.7	0.7	3.2	0.1	18.6	37.9	27.1
761.02	Santa Ana & Tustin	PA/TCE	60.8	2.7	1.0	5.8	0.7	25.2	50.8	39.2
761.03	Garden Grove & Orange	PA/TCE	42.3	2.2	1.5	23.3	0.8	26.2	49.5	57.7
885.01	Garden Grove	DP	42.8	1.3	0.9	20.9	7.0	28.9	49.1	57.2
888.01	Garden Grove	TCE	35.9	0.7	1.0	46.2	0.2	11.1	22.4	64.1
891.06	Garden Grove	PA/TCE	30.9	0.8	0.5	50.7	1.8	12.6	26.5	69.1
<b>Total for Enhanced Reduced Build Alternative</b>			42.5	1.8	1.2	22.3	0.8	0.4	49.4	57.5
<b>Study area</b>			51.7	1.7	0.9	19.4	0.4	21.6	45.0	48.3

Source: 2000 U.S. Census of Population and Housing.

Note: NH = Non-Hispanic; NaH & OPI = Native Hawaiian or Other Pacific Islander

DP = Displacement; PA = Partial Acquisition; TCE = Temporary Construction Easement

**TABLE 4.6-25  
2000 INCOMES FOR  
DISPLACEMENTS, PARTIAL ACQUISITIONS & TEMPORARY CONSTRUCTION EASEMENTS  
(ENHANCED) REDUCED BUILD ALTERNATIVE**

Census Tract	Jurisdiction	Median Income	Number of Households	Number of Households >\$14,999 Income	% Below \$14,999*
753.01	Santa Ana	47,688	1,544.00	129	8.35
759.02	Santa Ana	43,581	1,091	91	8.34
760.00	Santa Ana	67,404	1,167	78	6.68
761.02	Santa Ana & Tustin	45,830	1,374	80	5.82
761.03	Garden Grove & Orange	42,953	2,397	183	7.63
885.01	Garden Grove	42,901	1,789	166	9.28
888.01	Garden Grove	41,613	1,264	178	14.08
891.06	Garden Grove	48,125	1,179	99	8.40
<b>Study area</b>		44,396	127,831	16,063	12.57

Source: 2000 U.S. Census of Population and Housing.

Note: \*2001 DHHS Poverty guideline for a family of three is \$14, 630.

## B. OTHER ALTERNATIVES

### 1. NO BUILD ALTERNATIVE

The No Build Alternative would not change the human health or environmental effects of already approved and funded improvements to the transportation network. Accordingly, there would be no effect upon the proportionality of impacts borne by minority or low-income populations by adopted programs, policies and activities.

## 2. TSM/EXPANDED BUS SERVICE ALTERNATIVE

The TSM/Expanded Bus Service Alternative would not change the human health or environmental effects of already approved and funded improvements to the transportation network. There would be no effect upon the relative proportionality of impacts borne by minority and/or low-income populations.

## 3. FULL BUILD ALTERNATIVE

Environmental impacts associated with the Full Build Alternative include:

- the preclusion of a planned trail in the former Pacific Electric right-of-way;
- visual impacts related to removal of landscaping and construction of new noise barriers;
- new light sources;
- traffic noise and potential construction noise impacts;
- impacts to community cohesion related to the removal of apartment complexes and household displacements;
- loss of parking;
- loss of open space;
- and blockage of freeway-oriented business signs.

*Visual and Noise.* Visual, additional light sources, noise impacts, and blockage of freeway-oriented signs are distributed throughout the study area and not concentrated in a particular community.

*Displacements and Partial Acquisitions.* This alternative may result in an impact on minority or low-income individuals due to displacements (See Tables 4.6-26 and 4.6-27). All impacts except those related to community cohesion are distributed throughout the study area and are not disproportionately borne by minority or low-income groups. However, displacement impacts would affect the minority and low-income residents of areas in Garden Grove, Orange and Santa Ana. Displacement and partial acquisition impacts would occur in twelve census tracts with minority populations ranging from 12.2 percent to 67 percent compared to the study area minority population average of 48.3% (see Table 4.6-12).

The percent of low-income households for the impacted census tracts vary from about six to twenty-five percent. Only one out of the eight impacted census tracts (761.02 spanning Orange, Garden Grove, Anaheim, and Santa Ana) has a proportion of persons below the poverty line greater than the study area. Since the majority of the impacted census tracts exhibit low-income populations less than the study area as a whole, the impacts of displacements, partial acquisitions, and TCE's are not disproportionately borne by low-income populations.

*Temporary Construction Easements.* TCEs are the same as the (Enhanced) Reduced Build Alternative, except where they do not share common features such as the Pacific Electric Arterial or direct HOV connectors at I-5 and SR-55. The easements needed for the Arterial and additional connectors have not been specifically identified. Overall, impacts due to TCEs are not disproportionately borne by low-income or minority populations as discussed above. Should the Full Build Alternative be identified as the Preferred Alternative, the TCE impacts would be re-calculated.

*Parking.* Implementation of the Full Build Alternative would result in the loss of 571 on-site parking spaces at six locations in Garden Grove, Santa Ana and Orange. Of the six affected properties, significant parking impacts are anticipated at the El Prado

Drive residential site in Garden Grove and the City Gardens Apartments in Santa Ana. In comparison to the SR-22 study area, the parking impacts are localized to these two residential properties. The El Prado residential site consists of predominantly white population, while the City Gardens Apartments include a high proportion of minority population. However, the parking impacts do not disproportionately affect the minority and low-income population in the census tracts as a whole, since the ethnic and income composition of the two census tracts is consistent with the study area.

The impacts to residents are at least partially offset by benefits to the affected population and to the region as a whole, as indicated below:

- The project would provide clear and needed benefits for the region in terms of congestion relief, safety, and improved air quality (see Sections 2, 4.7 and 4.8 of this FEIS/EIR);
- All efforts have been made to include the affected populations in planning and scoping; and
- The alternative of building a highway along a new alignment would involve increased costs of an extraordinary magnitude, including displacements of a higher number of residents, whether minority and/or low-income or not.

**TABLE 4.6-26**  
**2000 RACE/ETHNIC DISTRIBUTION FOR**  
**DISPLACEMENT AREAS & TEMPORARY CONSTRUCTION EASEMENTS**  
**FULL BUILD ALTERNATIVE**

Census Tract	Jurisdiction	DP, PA, or TCE	% NH White	% NH Black	% NH American Indian	% NH Asian	% NaH & OPI	% NH Other	% Hispanic Origin Of Any Race	% Total Minority
752.01	Santa Ana	DP	38.6	1.5	1.2	4.1	0.1	49.2	91.2	61.4
753.01	Santa Ana	DP	51.8	3.0	1.1	7.8	0.6	31.1	57.6	48.2
758.06	Orange	DP	70.1	1.8	1.0	6.8	0.3	15.6	36.4	29.9
758.07	Orange	DP	63.8	1.2	1.3	7.8	0.3	22.6	41.1	36.2
758.08	Orange & Tustin	DP	87.8	0.4	0.3	3.6	0.1	4.6	14.1	12.2
760.00	Santa Ana & Orange	ALL	63.8	2.7	1.1	8.9	0.3	19.3	37.1	36.2
761.02	Orange, Garden Grove, Anaheim & Santa Ana	ALL	62.7	4.3	9.0	17.6	0.5	10.9	39.7	37.3
761.03	Garden Grove & Orange	ALL	42.3	2.2	1.5	23.3	0.8	26.2	49.5	57.7
885.01	Garden Grove	DP	42.8	1.3	0.9	20.9	7.0	28.9	49.1	57.2
887.02	Garden Grove	DP	35.1	0.5	0.4	46.9	0.5	12.5	25.8	64.9
888.01	Santa Ana & Tustin	TCE	74.0	1.7	0.6	6.5	0.2	12.7	25.2	26.0
890.03	Garden Grove	DP	33.0	2.6	0.6	30.5	1.0	27.0	52.8	67.0
891.07	GG & SA	DP	41.7	0.9	1.1	26.8	0.6	25.1	48.2	58.3
<b>Total for Full Build Alternative</b>			53.3	2.0	0.9	16.6	0.5	23.0	45.0	46.7
<b>Study Area</b>			51.7	1.7	0.9	19.4	0.4	21.6	45.0	48.3

Source: 2000 U.S. Census of Population and Housing.

Note: NH = Non-Hispanic; NaH & OPI = Native Hawaiian or Other Pacific Islander  
Displ. = Displacement; TCE = Temporary Construction Easement

**TABLE 4.6-27**  
**2000 INCOMES FOR**  
**DISPLACEMENTS, PARTIAL ACQUISITIONS & TEMPORARY CONSTRUCTION EASEMENTS**  
**FULL BUILD ALTERNATIVE**

Census Tract	Jurisdiction	Median Income	Number of Households	Number of Households >\$14,999 Income	% Below \$14,999*
752.01	Santa Ana	47,083	1,094	93	8.50
753.01	Santa Ana	47,688	1,544	129	8.35
758.06	Orange	57,682	2,082	206	9.89
758.07	Orange	69,119	1,245	76	6.10
758.08	O & T	77,344	1,145	40	3.49
760.00	SA & (O)	47,148	2,941	333	11.32
761.02	Orange, Garden Grove, Anaheim & Santa Ana	38,527	1,666	427	25.63
761.03	Garden Grove & Orange	42,953	2,397	183	7.63
885.01	Garden Grove	42,901	1,789	166	9.28
887.02	Garden Grove	41,563	1,433	169	11.79
888.01	SA & T	59,439	1,596	81	5.08
890.03	Garden Grove	44,722	834	61	7.31
891.07	GG & SA	57,801	1,253	89	7.10
---	Study area	57,801	127,831	16,063	12.57

Source: 2000 U.S. Census of Population and Housing.

Note: \*2001 DHHS Poverty guideline for a family of three is \$14, 630.

#### 4.6.8.3 MITIGATION

Mitigation measures for noise and visual impacts are listed in Sections 4.9.4 and 4.13.8. Mitigation for the displacements, partial acquisitions, and parking has been identified and is outlined in Section 4.6.6. As indicated in 4.6.8.2A, the area where displacements and partial acquisitions would occur has been reduced from 17 Census block groups (in the 1990 Census) to eight (per the Census 2000 map) through development of the Identified Preferred Alternative, considerably reducing the magnitude of displacements. TCEs have been located on unoccupied properties where these are available. See mitigation measure CON-(E)RB-2, regarding temporary construction easements, in Section 4.15.2.

All State and FHWA projects must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 USC 4601, et seq.), as amended. In accordance with the California Department of Transportation Relocation Assistance Program, residential properties displaced by the SR-22/WOCC project would be compensated (see Figure 4.6-3, Relocation Assistance Policy). All displaced households would be eligible to receive both advisory and financial assistance to relocate to comparable or improved housing.